

UNITED STATES DISTRICT COURT  
for the  
SOUTHERN DISTRICT OF NEW YORK

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AJA-RAE ROBINSON and ANTIONETTE	:	
BROWN individually and on behalf of others	:	
similarly situated,	:	
	:	Civil Action No.
<i>Plaintiffs.</i>	:	7:23-cv-05908-PMH
	:	
-against-	:	<b>AFFIRMATION OF</b>
	:	<b>ACTUAL ENGAGEMENT</b>
BIG MINDS, TINY HANDS, LLC, DAVID	:	
REDLENER and MELINA MALDONADO,	:	
	:	
<i>Defendants,</i>	:	Hon. Philip M. Halpern
-----X	:	

CHRISTOPHER A. CARRION, ESQ., an attorney duly licensed to appear before the courts of the State of New York and the United States Court for the Southern District of New York, affirms under penalty of perjury that:

1. I am the attorney of record for Defendants Big Minds, Tiny hands, LLC, Melina Maldonado, and David Redlener.
2. On August 7, 2024, I engaged in a pre-trial conference before the Hon. Nestor Diaz, in Queens County Supreme Court – Criminal Term, in the matter of *The People of the State of New York v. James Fogle*, indictment 72917-2023.
3. On that date a schedule was set for the trial in this matter, which will be a jury trial.
4. Preliminary motions, and motions *in limine* will be handled on Monday, August 12, 2024.
5. Jury selection will commence on Tuesday, August 13, 2024, and is estimated to conclude on Monday, August 19, 2024.

6. Opening statements and testimony will commence on Tuesday August 20, 2024, and the trial is expected to be completed by Tuesday, September 3, 2024.
7. Pursuant to PART 125 of the Rules of the Chief Administrative Judge: Uniform Rules For The Engagement Of Counsel [Provides in Pertinent Part]

*(a) Engagement of counsel shall be a ground for adjournment of an action or proceeding in accordance with this rule.*

*(b) Engagement of counsel shall mean actual engagement on trial or in argument before any State or Federal trial or appellate court, or in a proceeding conducted pursuant to rule 3405 of the CPLR and the rules promulgated thereunder.*

*(c) Subject to the provisions of subdivision (f) of this section, where an attorney has conflicting engagements in the same court or different courts, the affected courts shall determine in which matters adjournments shall be granted and in which matters the parties shall proceed. In making such decisions, they shall, to the extent lawful and practicable, give priority to actions and proceedings in the order in which matters are listed below:*

*(1) child protective proceedings;*

*(2) criminal proceedings or juvenile delinquency proceedings wherein the defendant or respondent is incarcerated;*

*(3) proceedings based on acts which constitute felonies;*

*(4) proceedings based on acts which constitute misdemeanors;*

*(5) matrimonial actions and proceedings; and*

*(6) civil actions and proceedings, including proceedings conducted pursuant to rule 3405 of the CPLR and the rules promulgated thereunder. Where an*

*attorney's conflicting engagements include two or more engagements within any one of these categories of actions and proceedings, as between those engagements the affected courts shall give priority to those involving jury trials.*

8. As such, on the return date of August 27, 2024, I will be actually engaged in a jury trial on the above-mentioned indictment before the Hon. Nestor Diaz, Part K15, located at 125- 01 Queens Blvd., Kew Gardens, New York, on charges of Criminal Possession of a Weapon in the Second Degree, a class C felony.
9. As a result of the foregoing felony jury trial, I respectfully request that this court adjourn this matter. I have conferred with counsel, and they consent to this request.
10. We are engaged in meaningful settlement discussions and have completed most discovery, including depositions.
11. My available dates are September 10, 16, 17, 19, 20, 24.

Application granted to the extent that the August 28 case management conference is adjourned to October 3, 2024 at 10:00 a.m. in Courtroom 520 of the White Plains courthouse.

Pursuant to the Scheduling Order (Doc. 16) and the Court's July 3, 2024 Order (Doc. 20), all discovery closed in this matter on July 12, 2024. Accordingly, the time to move for summary judgment has expired. The parties are directed to meet and confer and file, by September 25, 2024, those materials required by Rules 6(A) and 6(B) of this Court's Individual Practices.

The Clerk of Court is respectfully directed to terminate the letter motion pending at Doc. 21.

SO ORDERED.



Philip M. Halpern  
United States District Judge

Dated: White Plains, New York  
August 26, 2024

submitted,



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